



County of Los Angeles CHIEF EXECUTIVE OFFICE

Kenneth Hahn Hall of Administration
500 West Temple Street, Room 713, Los Angeles, California 90012
(213) 974-1101
<http://ceo.lacounty.gov>

WILLIAM T FUJIOKA
Chief Executive Officer

December 12, 2013

To: Supervisor Don Knabe, Chairman
Supervisor Gloria Molina
Supervisor Mark Ridley-Thomas
Supervisor Zev Yaroslavsky
Supervisor Michael D. Antonovich

From: William T Fujioka
Chief Executive Officer

A handwritten signature in black ink, appearing to be "W. T. Fujioka", written over a horizontal line.

Board of Supervisors
GLORIA MOLINA
First District

MARK RIDLEY-THOMAS
Second District

ZEV YAROSLAVSKY
Third District

DON KNABE
Fourth District

MICHAEL D. ANTONOVICH
Fifth District

**ADVANCE NOTIFICATION OF INTENT TO ENTER INTO NEGOTIATIONS FOR A
SOLE SOURCE AGREEMENT WITH THE LOS ANGELES COUNTY BAR
ASSOCIATION TO PROVIDE COUNTYWIDE ADULT INDIGENT CRIMINAL
DEFENSE APPOINTMENT PROGRAM SERVICES**

SUBJECT

This is to advise the Board that the Chief Executive Office (CEO) intends to enter into negotiations for a Sole Source Agreement, without engaging in a competitive solicitation process, with the Los Angeles County Bar Association (LACBA) for the continuation of legal representation to adult indigent criminal defendants when the Public Defender and Alternate Public Defender are unable to provide representation because of a conflict of interest or other lawful unavailability. Board Policy No. 5.100 requires written notice to the Board of a department's intent to enter into sole source negotiations for agreements over \$250,000.

BACKGROUND

On November 10, 1998, your Board approved a multi-year contract with LACBA to provide Adult Indigent Criminal Defense Appointment (ICDA) Program services. The purpose of the ICDA Program is to provide complete legal representation of indigent criminal defendants through the trial level. The County has continuously contracted with LACBA over the past 15 years. The current ICDA Program contract with LACBA expires on June 30, 2014.

"To Enrich Lives Through Effective And Caring Service"

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In previous Board-approved extensions of the current LACBA contract, the CEO informed the Board of our intent to conduct a future competitive solicitation for the administration of the ICDA Program contract. However, LACBA itself conducts outreach to qualified attorneys, and provides a diverse panel of qualified attorneys for the provision of indigent criminal defense services. Therefore, LACBA's solicitation process appears to meet the needs of the County.

FISCAL IMPACT/FINANCING

The County contracts with LACBA to provide a panel of qualified attorneys proficient in the defense of indigent criminal defendants. The contract provides panel attorneys with a set hourly rate compensation based upon case type (i.e., misdemeanor or felony) and a flat fee amount for capital cases. In addition, a Memorandum of Understanding between the County and ICDA specifies the compensation rate for different categories of capital cases. The current cost for LACBA's administrative fee is \$600,000 per year and the LACBA-ICDA panel attorneys estimated cost is \$25,000,000 per year. Both the administrative fee and panel attorney's cost is paid directly from the Trial Court's Indigent Defense Budget.

SOLE SOURCE JUSTIFICATION

The CEO recommends continuing to utilize LACBA as the ICDA Program administrator for the following reasons:

- The administration of the ICDA Program performed by only "one source," LACBA;
- A current LACBA-ICDA panel of approximately 300 qualified attorneys, screened by LACBA, for the provision of indigent criminal defense services; and
- The LACBA-ICDA panel is open to all qualified attorneys who wish to participate in the ICDA Program (versus a single source or closed system with no opportunity for attorneys to join).

Given the large number of experienced, qualified, and independent attorney members of the current LACBA-ICDA panel, which is open to all qualified attorneys, there would be limited benefit in departing from the current process that appears to be working efficiently and effectively for the County's adult indigent criminal defendants. Nor has the CEO received any inquiries from vendors expressing interest in the administration of the ICDA Program.

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CONCLUSION

Pursuant to Board policy, the CEO will engage in sole source negotiations with the Los Angeles County Bar Association for an administration fee and panel attorney's hourly rates for the ICDA Program in two weeks unless otherwise instructed by the Board.

Should additional information be requested, your staff may contact Georgia Mattera, Public Safety, at (213) 893-2374.

WTF:GAM:SW
VC:cc/llm

c: Executive Office, Board of Supervisors
County Counsel
Superior Court

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